

***EFFECTIVE October 23, 2006, ALL
PROBATE, CONSERVATORSHIPS &
LIMITED CONSERVATORSHIPS FILINGS
CURRENTLY ASSIGNED TO JOSHUA
TREE (AND ALL OTHER DIVISIONS)
SHALL BE FILED IN THE
REDLANDS DISTRICT
COURTHOUSE, 216 BROOKSIDE AVE,
REDLANDS, CA 92373.***

***ALL NEW FILINGS SHALL BE FILED AND
HEARD IN THE REDLANDS DISTRICT
COURTHOUSE***

***ALL GUARDIANSHIPS WILL CONTINUE
TO BE FILED AND HEARD IN THEIR
RESPECTIVE DISTRICTS.***

The Probate Examiners can be reached at
ProbateNotes@courts.sbcounty.gov.

Emails must have the case identification information and hearing time/date in the subject line. No attachments will be opened.

Probate Examiners can only respond to inquiries regarding the meaning of comments in the notes.

PLEASE DO NOT SEND EMAILS TO STATE THAT DOCUMENTS HAVE BEEN FILED, TO REQUEST A CONFIRMATION OF WHETHER DOCUMENTS HAVE BEEN RECEIVED, OR TO REQUEST CLEARING OF NOTES. No legal or procedural advice may be given.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/25/06 TIME: 8:30 DEPT: MPR

CASE #: MC MS00031

CASE NAME: IN THE MATTER OF KIM LISA BLACK

HEARING:
OSC re: ACCOUNTING AND OR STATUS REPORT

	COUNSEL:
JUNE BELAN	(PET)...HEALY & HEALY
KIM LISA BLACK	(CEP)...

GENERAL INFORMATION:

Continued from 8-28-06. No appearance. Attorney ordered to appear at this hearing.

Nothing new filed.

THIS CASE IS SET FOR HEARING ON Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Last year, accounting was dispensed with. Court set this hearing for review but did not specifically order a new accounting.
2. No accounting or request to waive accounting has been filed yet, nor has a status report been filed.

RECOMMENDATION:

Find out status of matter.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/25/06 TIME: 8:30 DEPT: MPR

CASE #: MG MS00453

CASE NAME: GUARDIANSHIP OF N'TAIYA M. YOUSO

HEARING:
Petition for Appointment of Guardian

COUNSEL:
TREANESHA L BULLION (PET)...PRO/PER
N'TAIYA M YOUSO (MIN)...

GENERAL INFORMATION:
Continued from 8-28-06. Continued at request of DCS
Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for Guardianship, non-relative, minor 2

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Temporary letters issued on 7-31-06.
2. Because petitioner is not a relative, need DCS report.
3. Petitioner needs to sign the Questionnaire on Page 1. (near top)
4. Need to file notice of hearing and proof of service on grandparents and DCS (Department of Children's Services)
5. File copy of birth certificate.
6. Need more information on grandparents (identify all sides)
7. Mother signed waiver and consent.

RECOMMENDATION:
Need to clear notes

CIVCAL4 Joshua Tree District

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/25/06 TIME: 8:30 DEPT: MPR

CASE #: MG MS00454

CASE NAME: GUARDIANSHIP OF NICOLE ANNE PIPER
HEARING:
Petition for Appointment of Guardian

COUNSEL:
ROXANNE WOODWARD (PET)...PRO/PER
NICOLE ANNE PIPER (MIN)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Guardianship, person only, by
paternal aunt, minor 16 years

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Temporary letters issued on 8-1-06.
2. Minor has Native American Ancestry, which means that the petitioner must comply with federal law regarding providing notice to tribe under the Indian Child Welfare Act. Need to send a letter to the tribe regarding the guardianship. File a copy of that letter with the court, along with proof of mailing the letter by certified mail, return receipt.
3. Parents live in Nevada. It appears that Nevada social services removed minor from the home.
4. Because parents live in Nevada, service of the notice of hearing and petition for guardianship can be done by certified mail, return receipt. File proof of service. **Mother served. Declaration of due diligence filed by petitioner's process server. JTD re: notice to father.**
5. Minor needs to be personally served with papers. File notice of hearing and proof of personal service on minor. Alternative is to have minor sign the form called Consent to Guardianship & Waiver of Notice (bottom of Consent form).
6. Need more information regarding paternal grandfather. If he is alive, need to file notice of hearing and proof of service as to him.

7. Need to file declaration of due diligence as to Kent Alrdich before Court can sign order to dispense with notice.

RECOMMENDATION:

Need to clear notes.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/25/06 TIME: 8:30 DEPT: MPR

CASE #: MG MS00456

CASE NAME: GUARDIANSHIP OF TALLEN ANGEL GUTIERREZ

HEARING:
Petition for Appointment of Guardian

COUNSEL:
STACY BAUMANN (PET)...PRO/PER
TALLEN ANGEL GUTIERREZ (MIN)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Guardianship, person only, by MGF
& StepMGM, minor 2 months

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Temporary letters issued 8-30-06
2. Court ordered home assessment referral on Stacy Bauman.
3. Court to note the Confidential Screening Form.
4. Need to file proof of personal service on father David Gutierrez.
5. Need to file proof of personal service on mother Chelsie Baumann.

RECOMMENDATION:
Need service on parents. Need CI report per Court's request.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/25/06 TIME: 8:30 DEPT: MPR

CASE #: MG MS00457

CASE NAME: GUARDIANSHIP OF MEGAN EDGE

HEARING:
Petition for Appointment of Guardian

	COUNSEL:
CAROLYN S COBB	(PET)...PRO/PER
MEGAN EDGE	(MIN)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Guardianship, person only, by maternal grandmother, minor 3

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Parents signed waiver and consent.
2. Petitioner needs to file declaration with the court listing the other relatives. Need both sets of grandparents and siblings. (name and address). If deceased, say so. For siblings (full or half), need age. If there are additional grandparents (such as maternal grandfather or paternal grandfather), need to file proof of service.

RECOMMENDATION:
Need to clear notes.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/25/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS00293

CASE NAME: IN THE ESTATE OF HARRY D FOSTER

HEARING:

Hearing Re: PETITION FOR ORDER FOR FNL DSTRBTN ON WVR OF FEES.

COUNSEL:

PATRICIA BLANCHE (PET)...FENSTEN & GELBER
HARRY D FOSTER (PET)...FENSTEN & GELBER

GENERAL INFORMATION:

OSC re: Failure to file Continued from 6-12-06. No appearance. Court set hearing for contempt for not closing estate.

Continued from 7-17-06. Attorney appeared telephonically. Court continued matters for correction of notes. Petition for Order for Final Distribution filed.

Continued from 8-14-06. Attorney Diane Phillip appeared by phone and requested continuance. **Nothing new filed.**

THIS CASE IS SET FOR HEARING ON Petition for Order for Final Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Estate opened in 1995. No activity since Inventory & Appraisal filed on 9-16-96 showing an estate of \$68,000+.
2. Petitioner is the primary beneficiary. However, the Will provides for three \$1 bequests to other family members. The codicil also dictates that personal property, such as the trailer, be given to another person.
3. Petitioner would like to waive accounting, but PC 10954 not satisfied here. A personal representative may waive the accounting if adequate provision has been made for satisfaction in full of the person's interest. According to petitioner, plenty of liquid assets to pay the \$3. But remainder of §10954

provides that this paragraph does not apply to a devisee whose interest in the estate is subject to abatement, payment of expenses, or accrual of interest of income.

4. Under PC 12003, a general pecuniary devise which is not distributed within 1 year after the testator's death bears interest thereafter. No indication in the Petition that the \$1 bequests were paid within the year. If not, then see PC 10954.
5. Will need to file accounting or try to find other way to waive.
6. Petitioner and attorney waive statutory compensation. OK

RECOMMENDATION:

Court cannot approve waiver of accounting at this time. File supplement or accounting.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/25/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01120

CASE NAME: ESTATE OF LAWRENCE G. WALKER

HEARING:

Hearing re: MOTION FOR HEARING ON SUBPOENA DUCES TECUM

COUNSEL:

JAMES E. HOLLY (PET)...PRO/PER
LAWRENCE GLEN WALKER (DEC)...
BARBARA WEEDA (RES)...DAVID KOGUS

NO file available for review

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/25/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01305

CASE NAME: ESTATE OF DON DWIGHT SMITH

HEARING:
OSC re: FILING OF RECEIPTS AND FINAL DISCHARGE

COUNSEL:
BRIAN SMITH (PET)...SIMON & PALMER
DON DWIGHT SMITH (DEC)...

GENERAL INFORMATION:
Continued from 8-28-06 to this date for OSC re: Sanctions

THIS CASE IS SET FOR HEARING ON OSC re: Filing of Receipts

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Attorney has filed receipt for fees and showed proof of recording the Final Order.
2. Still need receipt from Brian Wilson for the receipt of cash from estate. Court should note that petitioner is the sole distributee. Best practice is to require a receipt anyway, but Judicial Council Form allows for no receipts filed because petitioner is sole distributee. JTD

RECOMMENDATION:
Once note 2 cleared, court can sign Final Discharge Order.

CASE #: MPRMS01305

CASE NAME: ESTATE OF DON DWIGHT SMITH

HEARING:

OSC re: SANCTIONS

COUNSEL:

BRIAN SMITH

(PET)...SIMON & PALMER

DON DWIGHT SMITH

(DEC)...

See prior notes.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/25/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01371

CASE NAME: ESTATE OF LOUIS VALDEZ GARCIA

HEARING:

Hearing Re: PETITION TO DETERMINE TITLE TO PERSONAL PROPERTY.

COUNSEL:

DONALD D BRIDGEMAN (PET)...IGNAZIO
LOUIS VALDEZ GARCIA (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to Determine Title

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court has already approved the Order of Final Distribution in which Juanita Browning received entire estate.
2. Petitioner requests an order determining that an automobile distributed to Juanita really belongs to him.
3. Petitioner verified accounting in which he said under penalty of perjury that the automobile in question was part of the estate and should be distributed to Juanita.
4. Please file Points & Authorities regarding the jurisdiction of the Court to rule upon an 850 Petition once the Court has ordered distribution. In probate, the Court's jurisdiction is in rem.
5. Please file verified supplement regarding statements in the accounting which are now being contradicted.

RECOMMENDATION:

Court should not approve without legal authority supplied by petitioner.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/25/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01441

CASE NAME: ESTATE OF GENEVIEVE JULIA VALCHO

HEARING:
Accounting Review

COUNSEL:
CLAUDIA VALCHO (PET)...ERIC HOLK
GENEVIEVE JULIA VALCHO (DEC)...

Off-calendar. Final Accounting approved.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/25/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01486

CASE NAME: ESTATE OF SAM RANDAZZO

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

THERESA MCCRAY (PET)...WELLS, SMALL & SELKE
SAM RANDAZZO (DEC)...

GENERAL INFORMATION:

Continued from 8-28-06. Attorney Small appeared telephonically

THIS CASE IS SET FOR HEARING ON I & A

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Not filed.
2. Attorney may wish to note that a Request for Special Notice was filed.
When filing the I & A, be sure to include proof of service per the Request for Special Notice.

RECOMMENDATION:

Find out status.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/25/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01613

CASE NAME: MATTER OF IRVING SHAYNE

HEARING:
Petition to determine succession to Real Property

	COUNSEL:
STUART SHAYNE	(PET)...THOMAS BECKER
VICKI MICHAELSON	(PET)...THOMAS BECKER
IRVING SHANE	(DEC)...

GENERAL INFORMATION:

Continued from 8-28-06 and 9-11-06. Based upon computer database, the Final I & A has not been filed. **However, no file physically available for review on 9-13-06.**

THIS CASE IS SET FOR HEARING ON Petition to Determine Succession

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. I & A is marked "Partial". This method can only be used when the entire potential probate estate has a value of less than \$100,000. Need "Final" I & A.

RECOMMENDATION:

Need to clear note 1.

Proposed order being returned, as address of persons receiving property must be stated in the order.

CIVCAL4

Joshua Tree District

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/25/06

TIME: 8:30

DEPT: MPR

CASE #: MPRMS01619

CASE NAME: ESTATE OF IRA N. TUCK

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

MARY LEWIS

(PET)...PRO/PER

IRA N TUCK

(DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Probate, will full authority

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file proof of due publication.
2. Need to complete Box 7 & 8 regarding other relatives. There is some confusion as to the boxes checked under 8, since "c" should not be checked if 1 and 2 is not checked.
3. Court appointed Special Administrator on 8-21-06..
4. Will waives bond.
5. Court appointed Practice Administrator. The Order doesn't mention the required surety bond under PC 9764: "The court shall require the filing of a surety bond in the amount of the value of the personal property to be filed with the court by the practice administrator. No action may be taken by the practice administrator unless a bond has been fully filed with the court."
6. Court may also wish to discuss with Practice Administrator the limits of the actions which can be taken. There is nothing in the Order which allows the Practice Administrator to file documents in the cases as if the Practice Administrator was the attorney of record.

RECOMMENDATION:

Need to clear notes 1 & 2. Court also may wish to review the Practice Administrator order. If the Practice Administrator does not appear in the Court, the Court may wish to set an OSC re: Review.

Once Petition approved, set hearing for filing of Inventory & Appraisal for REDLANDS 3-27-07. Set hearing for filing of accounting for REDLANDS 11-27-07.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/25/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01620

CASE NAME: ESTATE OF ALMA B. WILSON

HEARING:
PETITION FOR LETTERS OF ADMINISTRATION W/WA W/FULL AUTHORITY
UNDER IAEA.

COUNSEL:
WILLIAM BORDEN WILSON (PET)...CRAIG M PARKER
ALMA B WILSON (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration, with full authority

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file proof of due publication.
2. Wrong box checked on the title of the petition. This is not petition for letters of administration, as the petitioner is seeking to probate a will. Please file verified supplement.
3. Requesting \$100,000 bond. OK
4. Is James Wilson the same as Frederick James Wilson? Please file verified supplement if so. If not, then file proof of service as to Frederick James Wilson.
5. Need to give notice to estate of William W. Wilson if he post-deceased Alma Wilson. Petition indicates he is deceased with "DOD: 12/12/1006". Alma Wilson is reported to have died on 2-20-98. Can't tell from petition (due to typo) whether William survived Alma by the 45 days required in the Will.
6. Assuming William Wilson did not survive Alma by 45 days, who are his living children? File verified supplement.
7. Issue regarding witnessing of will. In order for the declaration under penalty of perjury to be sufficient under CCP 2015.5, need the date of signature. Court could find that the date is the one written below the signatures. JTD.

RECOMMENDATION:

Need to clear notes.

Once Petition approved, set hearing for filing of Inventory & Appraisal for REDLANDS 3-27-07. Set hearing for filing of accounting for REDLANDS 11-27-07.

Superior Court of Calif, County of San Bernardino

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/25/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01621

CASE NAME: ESTATE OF YUEN MUI LAI

HEARING:

Petition for Probate, Letters of Tstmntry with full authority
under IAEA.

COUNSEL:

RAYMOND HUNG YIM LAI (PET)...GREGORY T ANNIGAN
YUEN MUI LAI (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Probate, with full authority

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition title doesn't request authority, but Box 2c is checked. File verified supplement as to correct request.
2. Need to file proof of due publication.
3. Need to file proof of will.
4. Petitioner is not a resident of the US. OK under PC 8402, as he is named in the Will. However, court may wish to require a bond although will waives bond.
5. Did not check box 5 regarding IAEA powers. However, will does not appear to preclude administration under the IAEA.
6. Need to file Attachment 9. Need information as to date of death of husband of decedent.

RECOMMENDATION:

Need to clear notes 1, 2, 3, and 6. Court's discretion on bond.

Once Petition approved, set hearing for filing of Inventory & Appraisal for REDLANDS 3-27-07. Set hearing for filing of accounting for REDLANDS 11-27-07.